

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Katharine S. Hayden
v. : No. 09-cr-086
: DURRELL SMITH : ORDER FOR CONTINUANCE

An indictment charging defendant Durrell Smith with conspiracy and possession with intent to distribute heroin, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C) and 846, having been filed on February 11, 2009; and defendant Durrell Smith having been represented by Michael Armstrong, Esq.; and no bail having been set by the Court; and defendant and his counsel being aware that a trial must be held within 70 days of the filing of the indictment on these charges, pursuant to Title 18, United States Code, Section 3161(b); and one continuance having previously been granted by Magistrate Judge Cecchi and a second continuance by the Court pursuant to Title 18, United States Code, Section 3161(h)(8)(A) so that the parties could attempt to reach a plea agreement and thereby avoid a possible trial; the Government and defendant hereby request a third continuance pursuant to Title 18, United States Code, Section 3161(h)(8)(A) in order to permit the time necessary to afford the parties the opportunity to reach plea agreements which would thereby render trial of this matter unnecessary;

IT IS on this 16th day of April, 2009

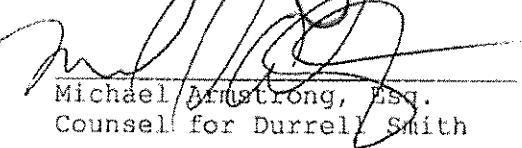
ORDERED that from the date this Order is entered, to and including May 29, 2009, shall be excluded in calculating the time within which a trial must be held under the Speedy Trial Act for the following reasons:

1. Plea negotiations currently are in progress, and both the United States and defendant desire additional time to negotiate a plea in Court, which would thereby render trial of this matter unnecessary.

2. Pursuant to Title 18, United States Code, Section 3161(h)(8)(A), the ends of justice served by granting the continuance outweigh the best interest of the public and the defendants in a speedy trial.

SEEN AND AGREED:


Rodney Villazor
Assistant U.S. Attorney


Michael Armstrong, Esq.
Counsel for Durrell Smith


HONORABLE KATHARINE S. HAYDEN
United States District Judge